APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,342	09/13/2004	Shih-Yuan Huang	72836.P113	5341

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EXAMINER
GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
01/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/711,342	Applicant(s) HUANG, SHIH-YUAN	
	Examiner WILLIAM J. GOODCHILD	Art Unit 2445	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>08 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Patrice Winder/
Primary Examiner, Art Unit 2445

Continuation of 11. does NOT place the application in condition for allowance because: A - Applicant argues "Clearly, there is no disclosure or suggestion of a message service module in this paragraph [IPMI, 1.6.7], much less the 'a plurality of message service modules' and 'message sheet which allows the user to define the corresponding relation between each IPMI message and said message service module' required in claim 22".

A - The examiner notes that "message service module" is not defined within the instant specification, it is referred to as item 306 as part of the messege execution group. The examiner considers the creation of a configuring the BMC to take selected actions on event messages as 'message service modules', (headers, titles, etc). These user created policy files take actions on the events / messages that are sent to the system. The event filter table and the actions to be performed are user defined, as such they correspond to each other [IPMI, section 1.6.23 - 1.6.24]

B - Applicant argues "the applicant previously argued that the IPMI Specification does not disclose 'an operating system (OS) management module having multiple specific mapping functions for communication with different types of OS, allowing the advanced IPMI system function with different OS".

B - The Examiner considers multiple specific mapping functions [IPMI Specification, section 1.6.2, DMI, WMI CIM etc], communication with different types of OS's [IPMI Specification, section 1.6.2, management software neutral and section 1.6.1, '… manageability built-in to the platform hardware" that can support systems where there is no system management software available for the particular OS. Thus allowing the system to work with different OS's.

C - Applicant argues "IPMI Specification does not disclose 'a hardware management module having a plurality of driver units for communicating with different baseboard management controller (BMC), allowing the advanced IPMI system to function in different hardware environments".

C - The IPMI Specification describes 'connecting additional management controllers to the system' [IPMI, section 1.6.3] and the BMC managing the interface between system management software and the platform management hardware [IPMI, section 1.6.3, managing the interface would include any drivers required].

D - Applicant argues "the IPMI Specification does not disclose 'a memory control unit which regularly poll a new sensing event in the EEPROM of the sensor unit…'.

D - The IPMI Specification describes FRU's being monitored for different modules in the system [IPMI, section 1.6.11] and SEEPROM's storing FRU information which is monitored [IPMI, sections 1.6.11 - 1.6.14]. Note, "regularly polled" does not define a time and, as such can be any time chosen.

E. - Applicant argues "IPMI Specification does not disclose of 'by a plurality of programmable-configured message processing units, multi-processing concurrently the IPMI messages, each initiating according to each IPMI message a message service module having a default exectution procedure'.

E - IPMI specification discloses event messages processed as they are received which can be concurrent [IPMI, section 1.6.25] and the messages are acted up / processed as they are received [IPMI, section, 1.6.23].

F - Applicant argues "it would not have been obvious to combine the Khacherian reference with the IPMI Specification].

F - The Khacherian reference would have been obvious to one having ordinary skill in the art at the time the invention was made, as the Khacherian reference discloses the limitation of provideing a pointer of a corresponding address in the block for temporary storage, one of ordinary skill in the art would be aware of such a limitation [via an available reference] and it would be obvious to combine the references in order to improve throughput.